

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Nicholas Antwan Leggett

Docket No. 7:03-CR-36-1BR

Petition for Action on Supervised Release

COMES NOW Thomas E. Sheppard, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Nicholas Antwan Leggett, who, upon an earlier plea of guilty to Possession of Ammunition by Felon in violation of 18 U.S.C. §922(g)(1), was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on March 8, 2004, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Nicholas Antwan Leggett was released from custody on February 25, 2014, at which time the term of supervised release commenced. On August 15, 2014, a positive drug test and an instance of leaving the district without permission were reported to the court. The defendant was verbally reprimanded and no further action was taken. On April 12, 2016, another positive drug test was reported to the court. The defendant was instructed to resume participation in treatment, and no further action was taken.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On December 27, 2015, the defendant committed the offense of Assault and Battery in Robeson County. He was found guilty of the offense on February 8, 2016, and was placed on 12 months unsupervised probation and fined \$250. Due to an erroneous computer entry on the part of law enforcement, we would not have known about this conviction without the defendant bringing it to our attention. Further, the defendant is in default on his fine, having made no payments. This is due to the defendant's continued unemployment. Lastly, while the defendant has been participating in treatment, he has not been submitting to urinalysis as instructed. As a sanction for these violations, we recommend requiring the defendant to perform 24 hours of community service. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Thomas E. Sheppard
Thomas E. Sheppard
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: 910-354-2541
Executed On: September 01, 2016

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ORDER OF THE COURT

Considered and ordered this 2 day of September, 2016, and ordered filed and made a part of the records in the above case.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is written over a horizontal line.

W. Earl Britt
Senior U.S. District Judge